

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

**STUDENT A, STUDENT B, STUDENT C,
and STUDENT D**, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

**LIBERTY UNIVERSITY, INC., d/b/a
LIBERTY UNIVERSITY**,

Defendant.

Case No. 6:20-cv-00023-NKM

ORAL ARGUMENT REQUESTED

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND
APPOINTMENT OF CLASS REPRESENTATIVES AND CLASS COUNSEL**

Plaintiffs Student A, Student B, Student C, and Student D (collectively, "Plaintiffs"), hereby move the Court, pursuant to Rules 23(a), 23(b)(2), 23(b)(3), and/or Rule 23(c)(4) of the Federal Rules of Civil Procedure, for an Order certifying a class defined as:

All students who paid fees (including but not limited to campus fees, room, board, parking, and other fees as broadly defined herein) in connection with enrollment in live, on-campus classes at Liberty University for the Spring 2020 semester.

(FAC, Dkt. No. 17 ¶ 60) and appointing the named Plaintiffs as Class Representatives. Plaintiffs also move, pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, for the appointment of MichieHamlett PLLC; DiCello Levitt Gutzler LLC; and Matthew S. Miller LLC, as Class Counsel.

In support of their motion, Plaintiffs submit their contemporaneously-filed Memorandum of Law, which demonstrates that (1) the proposed Class is so numerous that joinder of all class members is impracticable; (2) there are questions of law or fact common to the Class; (3) Plaintiffs' claims are typical of the claims of the other members of the proposed Class they seek to represent;

(4) Plaintiffs and their counsel will fairly and adequately protect the interests of the proposed Class; (5) the questions of law or fact common to the members of the proposed Class predominate over any questions affecting only individual Class members; and (6) class treatment is superior to other available methods for fairly and efficiently adjudicating the controversy.

WHEREFORE, Plaintiffs respectfully request that the Court issue an Order (i) certifying the proposed Class pursuant to Rule 23(b)(2), 23(b)(3), and/or Rule 23(c)(4) of the Federal Rules of Civil Procedure, (ii) appointing the named Plaintiffs as Class Representatives, and (iii) appointing the undersigned counsel as Class Counsel, pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.

Dated: September 18, 2020

Respectfully submitted,

/s/ E. Kyle McNew

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Class*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed using the Court's CM/ECF electronic filing system on September 18, 2020, which will cause a notice of such filing to all counsel of record.

/s/ E. Kyle McNew